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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 004137

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SUBJECT: AFGHAN CABINET CONFIRMATION PROCESS UNDERWAY

Classified By: PolCouns A. Pforzheimer reasons 1.4 (b) and (d).

¶1. (C) Summary: The Lower House of the Afghan Parliament began the cabinet approval process on December 21, and announced they would not vote on ministers until after all of the confirmation hearings. Most MPs think this process will end before mid-January; meanwhile, acting ministers are limited to maintaining daily operations. The ministers are intensely lobbying MPs by offering meals, jobs for their supporters, and cash. Most MPs tell us that the Finance, Mines, Interior, Energy, Culture, Commerce, Work and Social Affairs, Higher Education, and Health Ministers are most likely to face the most intense Parliamentary scrutiny, but only two or three ultimately may fail to meet Parliamentary approval. End Summary.

Cabinet Confirmation Procedure

¶2. (C) Lower House (Wolesi Jirga, or WJ) Speaker Yunus Qanooni (Tajik, Kabul) announced December 21 that the WJ would wait to vote on the cabinet nominations until all candidates had confirmation hearings, although WJ leadership has waffled on the question of whether or not they will wait for the final nominations, including positions not yet submitted such as Foreign Affairs, or just vote on the first 23 nominations currently at the Parliament. The decision to wait was approved by a majority vote on the same day. Speaker Qanooni noted this was done because President Karzai did not meet the WJ's demand to receive all of the nominations at once. MPs voiced public concern in particular about Foreign Minister Spanta who Karzai announced would stay on until the January 28 London Conference, since he had received a no-confidence vote by the Parliament in 2007 yet was allowed to remain on for years. (Note: Karzai also had allowed Minister of Hajj Chekari and Border and Tribal Affairs Khalid's to stay on indefinitely in the previous term despite votes of no confidence. End Note.) The WJ claimed it will introduce a bill to establish term limits for acting ministers on December 23.

¶3. (C) In 2006 the WJ voted on the nominations on the day of the confirmation hearings, and averaged one or two ministers per day. On only one occasion did they approve five ministers. The WJ again decided to meet daily this time, expanding hours and putting off the recess that should have started three weeks ago. They optimistically plan to review five ministers per day. However, on day one (December 21) they reviewed three (Defense, Education and Justice) and on day two they tried to review four (Public Health, Interior, Higher Education, and Finance) but completed only Interior and Health. If the pace stays the same, and no other ministers are introduced, the Parliament could finish in early January. Most MPs tell us that the first tranche of nominations will likely complete hearings before mid-January.

¶4. (U) All of the minister-level positions require the approval of the Parliament, as do the Central Bank, ARCS

(Afghan Red Crescent Society), NDS (National Directorate of Security), the Attorney General, and supreme court judges when their term is over. However, these positions will be announced and approved after the ministers. The following positions do not require Parliamentary approval: National Security Advisor, IDLG (Independent Directorate of Local Governance), Governors, and Palace Advisors.

Ministries on Auto Pilot?

¶15. (C) Acting ministers generally perform a caretaker function according to established rules of procedure. They have limited authority to sign treaties, important contracts, and memorandums of agreement. Palace Political Advisor Sanjar told us December 22 that no acting minister has the power to hire or fire employees, reshuffle high level officials from one ministry to another, spend funds beyond operational needs, or make important decisions. Therefore, the USG may see some delays on important decisions in Afghan ministries in the short term. However, in the case of the 13 of the 23 introduced ministers who are staying on, they may use some personal discretion to continue making decisions in order to move established policies forward.

Parliament's Rare Leverage

¶16. (C) Several ministers, including Interior Minister Atmar, Finance Zakhiwal, and Education Farooq Wardak have started

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significant campaigns among the MPs for their approvals, using their followers in the Parliament as party whips to garner votes. Most MPs claim that money is distributed at the events. Several MPs have told us the payouts average between \$200 - \$2000 USD per MP. The higher amounts go to the heads of committees, to ethnic leaders, or to those believed to control numerous votes. In theory, they are expected to distribute the funds among the committees or followers, but often keep most of the cash for themselves, as during the recent presidential elections. Most MPs tell us this is their key 2010 Parliamentary election campaign fundraising period while others say their salaries are too low (about \$2000 USD/month) and therefore this is a "much-needed bonus."

¶17. (C) The cabinet selection votes are secret, and therefore most MPs tell us they accept all of the "donations," -- yet claim this money will not control their votes. Fawzai Koofi (Tajik, Badakhshan) told us the invitations to dinners are numerous and noted she had received personal calls from Ismail Khan and Fahim Khan asking for her support of either themselves of their candidates. Speaker Qanooni told the MPs on December 20 that although it was "perfectly legal" for the ministers to lobby the MPs, they should avoid "the most extravagant dinners in the nicest hotels," as it gave the MPs a bad reputation. (Note: he implied the dinners were acceptable if lower profile. End Note.) Qanooni's Advisor Hekmatullah Foushanji told us that MPs fear asking tough questions during the appointment process, as they fear if the candidates become ministers, they will take revenge.

Rumors and Allegations

¶18. (C) The reasons why specific candidates may not obtain WJ approval is based less on their qualifications and more on their ethnicity, political affiliation, and whether or not the individual is taking a seat that MPs wanted for their own supporters. In any event, MPs are most likely to dress criticisms with allusions to buzz words like warlordism, corruption and merit. According to a number of MPs, the

following nominations will receive the most debate and may risk not obtaining the WJ's approval.

-- Finance Zakhwal. He is a dual Canadian citizen, and the Parliament has taken issue with dual citizens. According to the Afghan constitution, the Parliament "may disqualify candidates" due to dual citizenship. In his confirmation hearing December 22, he did not confirm or deny that he was a Canadian citizen, he only noted he had "turned in his passport and documents" to the Canadian Embassy. He is also disliked by non-Pashtuns because he is viewed as a Pashtun nationalist. He represents a ministry that controls significant amounts of money, and the MPs understand the personal benefit of leveraging the finance minister. However, his lobbying effort appears robust, and many think he will overcome the initial resistance to his nomination.

-- Mines Shahrani. Shahrani is taking a "cash cow" ministry and has limited political support. Although an Uzbek, he refuses to cooperate with the influential Junbesh party (and Dostum), causing them to lobby against him. Although he has extensive business and experience running a ministry, he has no mining-specific background, another possible excuse to vote against him.

-- Interior Atmar. Many MPs accuse him of holding UK Citizenship, although he denied this at his confirmation hearing on December 22. He is mistrusted by the former mujahadeen, since he supported the Communists. The WJ has a large former-mujahadeen contingent. MPs question his high school and undergraduate degrees. Many MPs also accuse him of corruption. However, he appears to have a robust lobbying effort already in motion, according to influential MP Shakar Kargar (Uzbek, Faryab). Koofi said Atmar was cunningly lobbying the right groups, to include several female MPs, and therefore would be successful.

-- Energy and Water Ismail Khan. He is a controversial candidate since he is a former warlord, but as a former mujahadeen leader, he also has a lot of support from the numerous WJ mujahadeen and other conservatives. Many argue he is not qualified for this job, since his only formal education was at the military academy, and because he spent most of his life as a commander. The moderates and technocrats will likely vote against him, although they will not likely be enough to block his nomination.

-- Culture Raheen. Although he has an impressive resume, he already received a vote of no confidence by the Parliament

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several years ago after he was caught on television at a dance performance featuring female dancers. The numerous conservatives in the Lower House still hold this against him. Also, many MPs say Karzai's MFA is at the Parliament lobbying for several candidates, but oddly, he is not one of them. Many MPs think it is Karzai's plan to allow him to be rejected by the Parliament, so he can later fill the spot with another conservative like previous minister Abdul Karim Khoram. This way, Karzai could blame the Parliament for a choice unpopular with the international community. Since he is not a current minister, he may have access to fewer funds to pay off MPs.

-- Commerce Elaqi. He was accused of corruption in the 1990s and also accused of having some connection to the narcotics trade. Many MPs doubt they will approve him this reason, as well as because many MPs do not like Khalili, one of Elaqi's patrons. Since he is not a current minister, he may have access to fewer funds to pay off MPs.

-- Work and Social Affairs Munshi. Former President and influential MP Professor Rabbani (Tajik, Badakhshan) told us Munshi was a "killer" when he supported the communist government, and that he was known as a "criminal" associated with Dostum. Therefore, it is likely Rabbani's powerful

Jamiat party will vote against him. However, he maintains his support from Junbesh, one of the most organized political parties, so it remains to be seen if the more divided Jamiat could strong arm Junbesh to push Munshi out.

-- Higher Education Obaid. Although respected as the former dean of the Kabul University Medical School, many female MPs will not vote for him since he is rumored to have used his position to force young female students to have a relationship with him. This ministry is particularly popular because it works with considerable international donations.

-- Health Fatimie. Some MPs think he has U.S. citizenship, and think ministry operations are not managed well, and therefore there is significant corruption at the working levels. However, most think that he is well-connected and will overcome any MP resistance to his nomination.

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